

Exhibit M

SUBJECT TO FBI PROTECTIVE ORDER

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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In Re Terrorist Attacks on September 11, 2001 : 03 MDL 1570 (GBD)(SN)
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**DECLARATION OF DEBORAH CRUM
FEDERAL BUREAU OF INVESTIGATION**

I, Deborah Crum, hereby state and declare as follows, pursuant to 28 U.S.C. § 1746:

1. I am employed by the Federal Bureau of Investigation ("FBI") as a Supervisory Paralegal Specialist. I am currently assigned as the Unit Chief of the Discovery Unit I ("DU I"), Discovery, Oversight, and Coordination Section ("DOCS"), Litigation Branch, Office of the General Counsel ("OGC"), within Federal Bureau of Investigation ("FBI") Headquarters at Washington, D.C. I have served in my current position from approximately September 2010 to the present and I have been employed by the FBI since April 1990.
2. DU I¹ is one of two units that provide litigation support to the other units within OGC, as well as numerous other FBI entities. As Unit Chief of DU I, I am responsible for overseeing the Paralegal Specialists who locate, review, process, and produce documents in connection with general civil litigation, employment litigation, and other matters. With respect to the above-captioned case, Paralegal Specialists in DU I under my supervision, and in coordination

¹ DU I was previously known as Discovery Processing Unit I and, before that, as the Civil Discovery Review Unit. In this declaration, I refer to the unit under its various names, collectively, as "DU I".

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with other FBI employees, gathered, reviewed, and processed for release the documents listed in paragraph 6, below.

3. On the basis of my current and past assignments in OGC, I am personally familiar with the FBI's policies and procedures regarding the creation and maintenance of FBI files and its record-keeping practices. The purpose of this declaration is to provide a certification of the documents described herein, in accordance with Rule 902(11) of the Federal Rules of Evidence.

4. The matters stated herein are based on information furnished to me in my official capacity by employees of the FBI, my review and consideration of documents, information available to me in my official capacity, and my experience supervising the Paralegal Specialists assigned to the above-captioned case. I was not personally involved in the creation of the documents described in this declaration.

5. The FBI's mission is to protect the American people and uphold the U.S. Constitution. Protecting the United States from terrorist attacks is the FBI's number one priority.

6. The FBI has produced in excess of 13,000 pages of documents and other materials in response to the April 6, 2018 Touhy request and subpoena (the "Touhy Request") served by Plaintiffs on the FBI in this matter. In 2023 and 2024, the FBI also produced documents in response to informal requests from Plaintiffs. With minor exceptions,² all of the records produced by the FBI in response to the Touhy Request and the informal requests were created or collected as part of the regular activity of the FBI in carrying out its national security and

² In response to the Touhy Request, the FBI produced select pages from a July 2004 DOJ Office of the Inspector General report, and certain previously-sealed filings in the matter of *United States v. Bayoumi*, Case No. 01-mg-2358 (S.D. Cal.). The copies produced in response to the Touhy Request are true and correct copies of the documents in the FBI's possession, but this declaration does not purport to certify those documents under Rule 902(11).

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law enforcement missions. Those records fall into the following categories:

a. Reports of FBI interviews: the documents produced at bates stamp pages FBI000001-106, FBI000109-114, FBI000121-166, FBI000169-237, FBI000241-259, FBI000266-285, FBI000295-302, FBI000315-334, FBI001055-1072, FBI003884-3903, FBI004002-4005, FBI004638-4674, FBI007333-7350, FBI007353-7364, FBI007413-7447, FBI007514-7518, FBI007913-7966, FBI007968-7985, FBI007991-8017, FBI8089-8122, FBI008153-8156, FBI008954-8955, FBI008959-9009, FBI009069-9084, FBI009087-9105, FBI009830-9849, FBI009852-9929, FBI011626-11751 (REV2021), FBI011768-11770 (REV2021), FBI013483-13493, FBI013554-13556, and FBI013582-13585, are true and correct copies³ of reports of FBI interviews. Interview reports are typically prepared in an “FD-302” Report of Interview format but are sometimes in the format of an “Electronic Communication,” described more fully below. FBI personnel routinely create such reports to memorialize interviews conducted as part of the FBI’s law enforcement and national security missions. An FD-302 is not intended to be a verbatim transcript of the interview, and the FBI’s general practice is not to show interview reports to witnesses when the reports are created. Under FBI policy, the preparation of the FD-302 is to be

³ With respect to interview reports and other documents discussed in this declaration, redactions contained on the copies of original records were placed upon the copies by the FBI for the purpose of protecting information which was privileged, confidential, sensitive, classified, or otherwise warranted protection under applicable law. After the initial production of a document, the FBI sometimes produced a lesser redacted version of the same document and added a notation to the bates stamp indicating that it was a revised copy. For the sake of brevity, I am noting the bates stamp number of each document only once, and am not separately listing the “revised” notation of a later produced copy of the same document with the same bates stamp number.

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initiated no later than five business days following the conclusion of the interview.⁴ The interview reports listed above were made as part of the regular practice of the FBI and were kept in the course of regularly conducted activities of the FBI.

b. Interview Notes: the documents produced at bates stamp pages FBI000350-360 are notes of interviews of Smail Mana dated November 12-13, 2015. In addition, it appears that the notes at FBI008063-8065 are notes of a September 16, 2001, interview of Omer Bakarbashat, and notes at FBI008158-8160 are notes of an October 5, 2001, interview of Linda Yacoub. FBI personnel conducting or otherwise present at interviews routinely take notes of the interviews, and then use these notes to draft reports of the interviews. These interview notes were made as part of the regular practice of the FBI and were kept in the course of regularly conducted activities of the FBI.

c. Electronic Communications: the documents produced at bates stamp pages FBI000260-265, FBI000335-344, FBI001033-1054, FBI001073-1083, FBI008018-8021, FBI009011-9028, FBI009041-9068, FBI009812-9829, FBI009930-9939, FBI011620-11625, FBI011752-11767, and FBI013481-13482 are true and correct copies of internal FBI documents known as “Electronic Communications” (ECs).⁵ ECs are routinely prepared by FBI personnel to convey investigative information, set investigative leads, or to comply with administrative

⁴ The requirement that the drafting of an FD-302 begin within five business days of the interview has been FBI policy since at least 1992.

⁵ I have not listed here the interview reports in EC format which are already listed in paragraph 6. a., above.

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requirements, and are created and sent electronically within an FBI field office or between FBI field offices and/or FBI Headquarters in Washington, D.C. These ECs were made as part of the regular practice of the FBI and were kept in the course of regularly conducted activities of the FBI.

d. Other FBI Documents Reflecting Investigative Activity: the documents produced at bates stamp pages FBI000107-108, FBI000115-120, FBI000167-168, FBI000238-240, FBI00286-294, FBI000303-314, FBI000361-364, FBI0001027-1032, FBI001084-1087, FBI001142-1145, FBI007351-7352, FBI007365-7371, FBI007448-7450, FBI007495-7513,⁶ FBI007519-7521, FBI007967, FBI7986-7990, FBI008022, FBI008062, FBI008123-8152, FBI008157, FBI008274, FBI008316, FBI008346, FBI008901, FBI008956-8958, FBI009010, FBI009029-9040, FBI9085-9086, FBI009106-9107, FBI009804-9811, FBI009850-9851, and FBI013497 are true and correct copies of FBI documents, other than interview reports and ECs, that reflect the FBI's investigative activities in connection with its criminal and national security missions. These reports of investigative activity are prepared in order to document the FBI's investigative activities and the results of those activities. These documents were made as part of the regular practice of the FBI and were kept in the course of regularly conducted activities of the FBI.

e. Records Obtained From Third Parties: the records produced at bates stamp pages FBI000365-1026, FBI001146-1288, FBI001377-3883, FBI003904-4001, FBI004006-4015, FBI004021-4112, FBI004675-4676, FBI004677, FBI007522-7912, FBI008023-8060, FBI008066-8088, DBI008161-8273,

⁶ FBI007495-7513 are select pages from two FBI Laboratory reports, not the entire reports.

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FBI008275-8315, FBI008317-8345, FBI008348-8357, FBI8358-8507, FBI009109-9803, FBI009940-11619, FBI013459-13480, FBI013494-13496, FBI013498-13551, FBI013557-13581, FBI013586-13659, and FBI013661-13594 are true and correct copies of documents and other materials obtained by the FBI from third parties, such as communications providers and financial institutions, typically through legal process, such as grand jury subpoenas and national security letters. In other cases, the third parties provided the documents to the FBI voluntarily, i.e., without legal process. Obtaining records from third parties for investigative purposes is part of the regular practice of the FBI, and these records were kept in the course of regularly conducted activities of the FBI.

f. Records Seized by the FBI Pursuant to Search Warrants: the documents and other materials produced at bate stamp pages FBI000345-349, FBI004113-4637, FBI004678-7332, FBI007372-7412, FBI007451-7494, FBI008508-8900,⁷ FBI008902-8924, FBI008865A and B, FBI009108, FBI013552-13553 and FBI013660a and b are true and correct copies of documents and other materials seized by the FBI pursuant to search warrants. Obtaining records pursuant to search warrants for investigative purposes is part of the regular practice of the FBI, and these records were kept in the course of regularly conducted activities of the FBI.

g. Records Obtained from a Foreign Government: the documents produced

⁷ FBI008508-8900 contain documents seized from Mohdar Abdullah's residence pursuant to a search warrant. They also include some pages noting the location where items were found in the residence. Those notations were presumably created by FBI personnel involved in the execution of the warrant, as it is the regular practice for FBI personnel to document the location where items are found during the execution of a search warrant.

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at bates stamp pages FBI001289-1338, FBI001139-1369, FBI004016-4020, and FBI011771-13458 are true and correct copies of records obtained by the FBI from a foreign government. Obtaining records from foreign governments for investigative purposes is part of the regular practice of the FBI, and these records were kept in the course of regularly conducted activities of the FBI.

h. FBI Cables: the documents produced at FBI008926-8939 and FBI008940-8953 are cables from the FBI to the Central Intelligence Agency (CIA) providing investigative information and requesting investigative assistance. Communicating with the other members of the Intelligence Community in connection with national security investigations is part of the regular practice of the FBI, and these records were kept in the course of regularly conducted activities of the FBI.

i. The Joint FBI-CIA Report: the report produced at bates stamp pages FBI001088-1116 is a true and correct copy of December 2004 Joint Intelligence Report prepared by the FBI and the CIA. Page 1 of the report (FBI001089) states that the report was prescribed by the Senate Select Committee on Intelligence in the FY 2004 Classified Annex S. 1025/S. Report 108-44. Providing reports mandated by Congress is part of the regular practice of the FBI.

7. Plaintiffs have also requested that the FBI provide a certification in accordance with Rule 902(11) of the Federal Rules of Evidence of documents obtained by Plaintiffs that appear to have been released through the Freedom of Information Act (FOIA).⁸ Plaintiffs provided

⁸ The documents provided by Plaintiffs contain FOIA exemption codes adjacent to redactions which are indicative of their release through FOIA. The documents also include some

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the FBI with copies of these documents, which they have identified as Exhibits 35 through 83. Paralegal Specialists under my supervision in DU I have located copies of almost all⁹ these documents in the FBI's investigative case management system known as Sentinel.

These documents fall into the following categories:

- a. Reports of FBI interviews: Exhibits 36, 45, 48, 53, 59, 67, 78, 82 and 83 are true and correct copies of reports of FBI interviews. As explained above, FBI personnel routinely create such reports to memorialize interviews conducted as part of the FBI's law enforcement and national security missions. As reflected in the reports, they generally were prepared near the time of the interview by FBI Special Agents or other law enforcement personnel assigned to an FBI Task Force who participated in the interview. These interview reports were made as part of the regular practice of the FBI and were kept in the course of regularly conducted activities of the FBI.
- b. Electronic Communications: Exhibits 35, 42, 43, 44, 46, 47, 50, 51, 52, 54, 55, 61, 62, 64, 73, 74, 76, 79, 80, and 81 are true and correct copies of internal FBI documents known as "Electronic Communications" (ECs).¹⁰ As explained above, ECs are routinely prepared by FBI personnel to convey investigative information,

handwritten notations, such as numbers in the upper right corner, and printed notices across the very top stating "Document obtained by INTEL WIRE: Please credit and link INTEL WIRE.com when reporting" and similar notices. When I state in this declaration that the documents are true and correct copies of FBI documents found in Sentinel, I am referring to the original portions of the documents, and not the added handwriting or printed notice across the top of the document from INTEL WIRE or alike.

⁹ DU I has not been able to locate a copy of Exhibit 69. Also, Exhibit 70 does not contain markings indicative of a FOIA release. This declaration does not purport to certify Exhibits 69 or 70 under Rule 902(11).

¹⁰ I have not listed here the interview reports in EC format which are already listed in paragraph 7. a., above.

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set investigative leads, or to comply with administrative requirements, and are created and sent electronically within an FBI field office or between FBI field offices and/or FBI Headquarters in Washington, D.C. These ECs were made as part of the regular practice of the FBI and were kept in the course of regularly conducted activities of the FBI.


- c. Other FBI Documents Reflecting Investigative Activity: Exhibits 37, 38, 39, 40, 41, 49, 56, 57, 58, 60, 68,¹¹ 71, 72, 75, and 77 are true and correct copies of FBI documents, other than interview reports and ECs, that reflect the FBI's investigative activities in connection with its criminal and national security missions. These reports of investigative activity are prepared in order to document the FBI's investigative activities and the results of those activities. These documents were made as part of the regular practice of the FBI and were kept in the course of regularly conducted activities of the FBI.
- a. FBI Cables: Exhibits 63, 65, and 66 are FBI cables to other agencies and offices of the United States government. The FBI routinely sends cables to other agencies and offices to provide investigative information relating to the FBI's national security and law enforcement missions. These documents were made as part of the regular practice of the FBI and were kept in the course of regularly conducted activities of the FBI.

¹¹ Exhibit 68 is titled "Hijackers Timeline (Redacted)". Although DU I did not locate a copy in Sentinel, the FBI's Information Management Division, Record/Information Dissemination Section, confirmed that Exhibit 68 is a true and correct copy of a document produced by the FBI under FOIA.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21 day of March 2024.



Deborah Crum
Chief, Discovery Unit I,
Office of the General Counsel
Federal Bureau of Investigation